



**TOWN OF LAKE PARK  
PLANNING & ZONING BOARD MEETING  
AGENDA  
DECEMBER 3, 2012  
7:30 P.M.  
535 PARK AVENUE  
LAKE PARK, FLORIDA**

**PLEASE TAKE NOTICE AND BE ADVISED:** If any interested person desires to appeal any decision of the Planning & Zoning Board with respect to any matter considered at the Meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's Office by calling 561-881-3311 at least 48 hours in advance to request accommodations.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Chair Judith Thomas	<input type="checkbox"/>
Vice-Chair Natalie Schneider	<input type="checkbox"/>
Anthony Bontrager	<input type="checkbox"/>
Kimberly Glas-Castro	<input type="checkbox"/>
James Lloyd, 1 <sup>st</sup> Alternate	<input type="checkbox"/>
Board Attorney, Thomas J. Baird	<input type="checkbox"/>
Community Development Director, Nadia DiTommaso	<input type="checkbox"/>
Planner, Debbie Abraham	<input type="checkbox"/>
Board Secretary, Kimberly Rowley	<input type="checkbox"/>

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

- Planning & Zoning Board Meeting of November 5, 2012

**ORDER OF BUSINESS:** The normal order of business for Hearings on agenda items is as follows:

- Staff presentation
- Applicant presentation
- Board Member questions of Staff and Applicant
- Public comments – 3 minute limit per speaker
- Rebuttal or closing arguments for quasi-judicial items
- Motion on floor
- Vote of Board

**PUBLIC COMMENTS:** Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located in the rear of the Commission Chambers, and give it to the Recording Secretary. Cards must be submitted before the item is discussed.

**NEW BUSINESS:**

**A. TEXT AMENDMENT TO SECTION 78-148(a) - To reduce the distance separation between gas stations from 1,200 feet to 500 feet.**

Applicant: Town of Lake Park. Presenter: Debbie Abraham

**B. TEXT AMENDMENT TO SECTION 78-70, Table 78-70-7 – Amending the language in the Park Avenue Downtown District (PADD) Sign Code to increase the permitted awning signage to a maximum of 10 inches in height instead of 6 inches in height.**

Applicant: Town of Lake Park. Presenter: Debbie Abraham

**COMMENTS FROM COMMUNITY DEVELOPMENT DIRECTOR**

**ADJOURNMENT**



**TOWN OF LAKE PARK  
PLANNING & ZONING BOARD  
MEETING MINUTES  
NOVEMBER 5, 2012  
(IMMEDIATELY FOLLOWING THE LOCAL  
PLANNING AGENCY MEETING AT 7:30 PM)**

**CALL TO ORDER**

The Planning & Zoning Board Meeting was called to order upon the adjournment of the Local Planning Agency Meeting at 7:40 p.m. by Chair Judith Thomas.

**ROLL CALL**

Chair Judith Thomas	Present
Vice-Chair Natalie Schneider	Present
Anthony Bontrager	Not Present
Mason Brown	Not Present
James Lloyd, 1 <sup>st</sup> Alternate	Present
Kimberly Glas-Castro, 2 <sup>nd</sup> Alternate	Present

Also present were Thomas J. Baird, Town Attorney; Nadia DiTommaso, Community Development Director; Debbie Abraham, Planner; and Kimberly Rowley, Board Secretary.

**APPROVAL OF AGENDA**

Chair Thomas asked for a motion to approve the Agenda as submitted. Vice-Chair Schneider made a motion to approve the Agenda as presented, and the motion was seconded by Board Member Lloyd. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Kimberly Glas-Castro	X	

**The Motion carried 4-0 and the Agenda was unanimously approved.**

**APPROVAL OF MINUTES**

Chair Thomas requested a motion to approve the Minutes of the August 6, 2012, Planning & Zoning Board Meeting as submitted. Board Member Lloyd made a motion to approve the Minutes, and the motion was seconded by Vice-Chair Schneider. The vote was as follows:

41

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Kimberly Glas-Castro	X	

42

43 **The Motion carried 4-0 and the Minutes of the August 6, 2012, Planning & Zoning**  
 44 **Board Meeting were unanimously approved as submitted.**

45

#### 46 **ORDER OF BUSINESS**

47

48 Chair Thomas outlined the procedure for the Order of Business and Public Comments.

49

#### 50 **PUBLIC COMMENTS**

51

52 There were no comments from the public.

53

#### 54 **NEW BUSINESS**

55

56 **REZONING APPLICATION** – *A proposal to rezone a 1.26 acre area located at 711, 725*  
 57 *and 761 Foresteria Drive from Residential-2 (R-2) District to Public District (P-District).*  
 58 *Applicant: Town of Lake Park.*

59

60 Debbie Abraham, Town Planner, addressed the Planning & Zoning Board and presented the  
 61 application by the Town of Lake Park proposing to rezone three (3) parcels of land which  
 62 were acquired in 2009 by the Town of Lake Park's Community Redevelopment Agency  
 63 (CRA). Ms. Abraham explained that the parcels are located at 711, 725 and 761 Foresteria  
 64 Drive and are within the Residential-2 (R-2) Zoning District, with a land use designation of  
 65 medium density residential. The property is currently being operated by the Community  
 66 Development Corporation as the Seeds of Hope Community Garden, a not-for-profit  
 67 corporation. Staff is recommending that the site to be rezoned from Residential-2 (R-2) to  
 68 Public District (P-District) to enforce consistency with the previously proposed future land  
 69 use designation of Public Buildings and Grounds. Ms. Abraham expressed that, without this  
 70 change, the existing zoning would be inconsistent with the previously proposed land use  
 71 change and would cause a discrepancy with the Town's Comprehensive Plan. Therefore,  
 72 Staff is recommending that the Property be rezoned to the Public District (P-District) as  
 73 provided for in Section 78-76 of the Town of Lake Park Code of Ordinances.

74

75 Board Member Kim Glas-Castro questioned why staff determined to go with a Public  
 76 designation rather than incorporate it into the PADD since its future use will be parking.  
 77 Ms. Abraham stated that in accordance with the Future Land Use Element of the  
 78 Comprehensive Plan, any property owned by the Town must have the designation of Public  
 79 Buildings and Grounds, and that the site should have been rezoned in order to reflect the  
 80 Town's ownership in 2009. Ms. DiTommaso added that the zoning definition for the Public

District requires in its regulations that any lands owned by the Town be rezoned to the Public District, and in order for the rezoning to occur the change in land use designation needed to occur as well.

Chair Thomas asked what is prompting the rezoning proposal at this time, rather than in 2009? The Community Development Director stated that the change was prompted by an internal conversation regarding the community garden site in which she realized that the designation was not consistent with the zoning and land use and that it needed to be brought into compliance.

There being no further comments, Chair Thomas requested a motion to approve Staff's recommendation to rezone a 1.26 acre area located at 711, 725 and 761 Foresteria Drive from Residential-2 (R-2) District to Public District (P-District). Board Member Schneider made a motion for approval, and the motion was seconded by Board Member Lloyd. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Kimberly Glas-Castro	X	

**The Motion carried 4-0, and the Town's proposal to rezone a 1.26 acre parcel located at 711, 725 and 761 Foresteria Drive from Residential-2 (R-2) District to Public District (P-District) was approved.**

#### **COMMENTS FROM THE COMMUNITY DEVELOPMENT DIRECTOR**

There were no comments from the Community Development Director.

#### **ADJOURNMENT**

Chair Thomas adjourned the meeting at 7:50 p.m.

Respectfully Submitted,

\_\_\_\_\_  
**Kimberly Rowley**  
Planning & Zoning Board Secretary

#### ***PLANNING & ZONING BOARD APPROVAL:***

\_\_\_\_\_  
**Judith Thomas, Chair**  
Town of Lake Park Planning & Zoning Board  
DATE: \_\_\_\_\_

# Town of Lake Park

## Community Development Department



Meeting Date: December 5, 2012

To: TOWN COMMISSION

Re: Text Amendment to Section 78-148 (a) to reduce the distance separation between gas stations from 1,200 feet to 500 feet.

Applicant: Town of Lake Park

### SUMMARY

At the Town Commission's meeting of October 3 and 17, Mr. Nader Salour, as the agent for Congress Avenue Properties Ltd., asked the Town Commission to modify Section 78-148 (a) (Exhibit "A") of the Town Code to modify the Code's requirement of a 1,200 foot separation between gasoline/oil filling stations. An environmental consultant, Mr. Roberto Balbis, also addressed the Commission regarding this Code requirement and submitted a letter dated 09/06/2012, providing justification for Congress Avenue Properties Ltd.'s request (Exhibit "B").

Staff prepared a spreadsheet outlining the various gas stations in Town and their distance from one another (Exhibit "C"). Staff has determined that there are three existing gas stations within the Town's boundaries that do not currently comply with the 1,200 foot distance separation as required by the Town Code. Two of these stations were built prior to the effective date (1966) of the Town Code's separation requirement. The third station, Sunoco at 980 Northlake Boulevard, was constructed in 1983, after the effective date of the Code provision which requires separation between facilities. There is no written variance or development order which exists to justify the siting of this gas station in conflict with the Code. It is important to note that with respect to the siting of gas stations along Northlake Boulevard, the zoning regulations contained within the Northlake Boulevard Overlay Zone (NBOZ) apply. Specifically, Chapter 78, Appendix A, Section 2-3(2) of the Town of Lake Park Code of Ordinances requires that automobile service stations located on Northlake Boulevard be separated a minimum of 500 feet.

At the October 17<sup>th</sup> Town Commission meeting, the Town Commission made a motion directing staff to pursue a code text amendment to Section 78-148(a) reducing the distance **between two gasoline and oil filling station or service station** from 1,200 feet to 600 feet. However, because the NBOZ section referenced herein above establishes a separation of 500 feet between auto service stations, staff is recommending that Section 78-148(a) be amended to require only a 500 foot separation between gasoline and oil filling or service stations.

**Recommended Motion:** Staff recommends that the Planning & Zoning Board recommend to the Town Commission an amendment to Section 78-148(a) to reduce the distance separation **between gasoline and oil filling station or service station** from 1,200 feet to 500 feet.

## **Exhibit "A" – Code Sections**

**Sec. 78-148. - Gasoline and filling stations—Prohibited near certain uses.**

(a)

*Prohibition.* No gasoline and oil filling station and no service station shall be erected within 1,200 feet of any church, hospital, school or other similar institution, **or within 1,200 feet of location of another gasoline and oil filling station or service station located within the town.**

(b)

*Method of measurement.* The method of measurement that shall apply in such cases shall be by measurement of the air-line distance made or taken from the nearest boundary of the lot or premises where such existing station is located to such building or structure used as a church, hospital, school or other similar institution or to the boundary of the lot or premises where another station is to be erected. Nothing in this section shall prohibit the operation of existing gasoline or reconstruction of any presently existing gasoline and oil filling stations or service stations.

(c)

*Exception.* This section shall not apply to any automobile service station and permitted ancillary uses located in the C-3 zoning district.

**Northlake Boulevard Overlay Zone (NBOZ) Regulations**

**Sec. 2-3. - Use definitions and supplemental regulations.**

(2)

*Automotive service station* means an establishment engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities such as the sale of automotive accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles. An automotive service station shall be subject to the following supplementary use standards:

(c)

There shall be a minimum separation distance of **500 feet from the nearest points of property lines for a parcel developed for use as an automobile service station** and a parcel occupied by a church, school or hospital.

## **Exhibit “B” – Environmental Letter**



**Ardaman & Associates, Inc.**

Geotechnical, Environmental and  
Materials Consultants

AAI File No. 12-2179  
September 6, 2012

Congress Avenue Properties  
4500 PGA Boulevard, Suite 207  
Palm Beach Gardens, Florida 33418

Attention: Nader Salour

**ENVIRONMENTAL ISSUES  
PARCEL 34.03D SERVICE STATION PROJECT  
LAKE PARK, FLORIDA**

The captioned project consists of the construction of a service station for distribution of vehicular fluids and other goods on the east side of Congress Avenue, north of the future extension of Park Avenue, in Lake Park, Florida. The location of this service station will be less than 1,200 feet from the location of the existing Murphy USA #7362 station which is located on the west side of Congress Avenue.

It is our understanding that Lake Park has a stipulation that no gasoline dispensing station can be established within 1,200 feet of an existing one. It is believed that this restriction was made in consideration to the concentration of potential sources of contamination in a small area of the town. This restriction was apparently set more than 40 years ago. It is apparent that it has not been uniformly applied (if at all), since some stations in Lake Park are closer than 1,200 feet apart.

Contamination in service stations is mainly caused by leakage from aging, single wall underground steel tanks and distribution lines which tend to corrode. Gasoline products tend to remain at the top of the groundwater table and move in the direction of groundwater flow. Certain products persist and may reach hundreds of feet from the source pending the velocity of groundwater flow.

We note that drastic changes took place in the 1990's in regards to the use of underground storage tanks because of concerns with regards to the deterioration of surficial aquifers due to contamination from petroleum products. Thus, Chapter 62-761, Florida Administrative Code called for the replacement of all single wall underground steel tanks pending their age, so that very old tanks would be replaced by 1998 and newer tanks by 2009. New technology has permitted the replacement of such tanks with double-walled fiberglass tanks. These are basically a regular storage tank inside a larger, empty tank, with the space between the walls serving as containers of any spill from the interior container where the fluid is stored. Sensors are installed to detect leaks as soon as possible. Distribution lines are similarly protected.

New service stations such as the nearby Murphy USA #7362 and the proposed service station are constructed with double wall appurtenances and sensors. Stations are inspected regularly by the Florida Department of Environmental Protection to check for violations in operating procedures.

## **Exhibit "C" – Existing Gas Stations Spreadsheet**

## GAS STATION DISTANCE SEPARATION RESEARCH

**Distance** *(Measured to the  
closest station IN LAKE PARK)*

**Date of Opening**

**Year Building  
Constructed**

**Address**

**Name**

Murphy Oil USA #7362 (WALMART)	103 N. Congress	2006	7/23/2008	Walmart to B.P.: <u>7392 feet</u>
Hess Express #09240 (B.P. GAS)	1216 Northlake	2001	8/23/2002	
Northlake AutoCare	1000 Northlake	1965	9/16/2003	B.P. to Northlake Auto Care: <u>528 feet</u>
Assume 1st Inc. (SUNOCO)	980 Northlake	1983	9/12/2008	Northlake Auto Care to SUNOCO: <u>272 feet</u>
Pit Stop Food Mart (VALERO)	1401 10th St	1961	3/1/2006	SUNOCO to VALERO: <u>1056 feet</u>
Hayma Enterprise (TEXACO)	917 10th St	1964	5/17/2011	VALERO to TEXACO: <u>1584 feet</u>
Longrun Oil Corp (VALERO)	140 N. Fed. Hwy	1960	7/3/2003	TEXACO to VALERO (US.1) : <u>8976 feet</u>
Chaves Lakes Park Corp (7-ELEVEN)	1220 N. Federal	1990	9/5/2006	VALERO (US.1) to 7-ELEVEN: <u>3696 feet</u>

**LEGAL NOTICE OF PROPOSED ORDINANCES  
TOWN OF LAKE PARK**

Please take notice that the Planning & Zoning Board on Monday, December 3<sup>rd</sup>, 2012 at 7:30 p.m. and the Town Commission on Wednesday, January 2<sup>nd</sup>, 2013 at 7:00 p.m. on first reading and Wednesday, January 16<sup>th</sup>, 2013 at 7:00 p.m. on second reading for adoption, in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinance:

:

**ORDINANCE NO. 12-2012**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78-148(a) OF THE TOWN OF LAKE PARK CODE OF ORDINANCES; PROVIDING FOR THE A TEXT AMENDMENT REDUCING THE DISTANCE SEPARATION BETWEEN GASOLINE AND FILLING STATIONS AND AUTO SERVICE STATIONS FROM 1,200 FEET TO 500 FEET; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**ORDINANCE NO. 13-2012**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78-70, TABLE 78-70-1 OF THE TOWN OF LAKE PARK CODE OF ORDINANCES; PROVIDING FOR A TEXT AMENDMENT MODIFYING THE AWNING SIGNAGE SIZE REGULATIONS FROM SIX (6) INCHES TO TEN (10) INCHES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian M. Lemley, Town Clerk at 561-881-3311.

Vivian M. Lemley, Town Clerk  
Town of Lake Park, Florida

**PUB:** The Palm Beach Post  
November 23, 2012

# **Town of Lake Park**

## **Community Development Department**



Meeting Date: December 3, 2012

To: Planning & Zoning Board

Re: Text Amendment- Amending the language in the  
Park Avenue Downtown District (PADD) Sign Code

**Applicant:** Town of Lake Park  
**Address:** Park Avenue Downtown District  
**Re:** Amending the PADD Sign Code to increase the permitted awning signage height in  
Table 78-70-7 from 6 inches to 10 inches.

### **SUMMARY**

The Town staff recommends an amendment to the text contained in Table 78-70-7 which sets forth the permitted signs within the Park Avenue Downtown District (PADD).

Currently, Section 78-70 does not permit the letters of awning signs to exceed 6 inches. Some of the plazas off of Park Avenue and 10<sup>th</sup> Street have fixed awning signs with 10 inch letters. It may be that some of these signs were installed quite some time ago and possibly under different codes. When the PADD was adopted, it did not provide for an amortization schedule which would have required the signs of these businesses to be brought into compliance with the regulations established in the PADD. Consequently, the businesses who had signs prior to the adoption of the PADD were never required to replace their signs with signs which conformed to the PADD regulations. New businesses, however, are required to meet the requirements of the PADD which limits the letters of signs to six inches thereby creating a conflict between businesses.

The Town proposes a text amendment to change the 6 inch sizing limitation to 10 inches for awning signs in the PADD sign code. The 10 inches would remain consistent with the Town's overall signage as long as the sign area is in proportion to the size of the awning. It is important to take note that the 10 inches is a *maximum* and this size is dependent on the size of the awning and the proposed sign's proportionality to the awning.

Staff feels that perhaps this inconsistency between sign codes was overlooked when the PADD signage code was adopted. Rather than requiring the businesses which have signs with letters which exceed six inches to conform to the PADD, staff is recommending a text amendment to allow awning signs with letters of up to 10 inches. The proposed amendment is for the section of the Code shown on page 2:

(Sec. 78-70)

**PROPOSED  
TEXT AMENDMENT**

**TABLE 78-70-7  
PERMITTED SIGNS**

Sign Type	Maximum Size	Maximum Number	Copy Limit	Other Limits
Awning Sign	In proportion to the size of the awning		Business name, address, phone number, and logo, and words depicting the nature of the business (letters shall be not more than 50% of the height of the letters depicting the business name)	*Letters, numbers, and logo shall not exceed 6 inches in height
	—	—	—	*Located only on a valance

**Recommended Motion:**

Staff recommends that the Planning & Zoning Board recommend to the Town Commission an amendment to Section 78-70, Table 78-70-7 to allow the letters of awning signs within the PADD to have a maximum height of 10 inches.

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TOWN OF LAKE PARK**

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